

**United States District Court
For The
District of North Dakota**

Petition for Action on Conditions of Pretrial Release

COMES NOW, Todd D. Pope, PRETRIAL SERVICES OFFICER, presenting an official report upon the conduct of defendant, Houston James Kirkaldie who was placed under pretrial release supervision by the Honorable Charles S. Miller Jr, United States Magistrate, sitting in the Court at Bismarck, on April 11, 2014, under the following conditions:

1. The defendant must not violate federal, state, tribal, or local law while on release.
 2. The defendant must advise the Office of Probation and Pretrial Services and defense counsel in writing before making any change in address or telephone number.
 3. The defendant must appear in court as required and must surrender to serve any sentence imposed.
 4. The defendant must sign an Appearance Bond, if ordered.

IT WAS FURTHER ORDERED that the release of the defendant be subject to the conditions set forth below:

5. Defendant shall report to Pretrial Services at such times and in such manner as designated by the Officer.
 6. Defendant shall reside at New Freedom Center in Bismarck, North Dakota if inpatient treatment is recommended and shall reside with his mother, Anita Green, at 1105 Frontier Trail in Mandan, North Dakota if outpatient treatment is recommended and shall not change his residence without prior approval from the Pretrial Services Officer.
 7. Except upon prior approval from the Pretrial Services Officer, the defendant's travel is restricted to the Bismarck/Mandan area.
 8. Defendant shall not knowingly or intentionally have any direct or indirect contact with drug users or distributors except as necessary during treatment.

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9. If possible, Defendant shall maintain or actively seek employment. Employment must be approved by the Pretrial Services Officer.
10. Defendant shall not possess a firearm, destructive device or other dangerous weapon.
11. Defendant shall undergo a substance abuse evaluation if required by the Pretrial Services Officer and comply with resulting counseling or treatment recommendations.
12. Defendant shall sign a release with the treatment provider that allows defendant's treatment records to be disclosed to the Pretrial Services Officer.
13. Defendant shall refrain from any use of alcohol; any use or possession of a narcotic drug and other controlled substances defined in 21 U.S.C. 802 or state statute, unless prescribed by a licensed medication practitioner; and any use of inhalants. Defendant shall submit to drug/alcohol screening at the direction of the Pretrial Services Officer to verify compliance. Failure or refusal to submit to testing or tampering with the collection process or specimen may be considered the same as a positive test.
14. Defendant shall submit his person, residence, vehicle, and/or possessions to a search conducted by a Pretrial Services Officer at the request of the Pretrial Services Officer. Failure to submit to a search may be grounds for revocation of pretrial release. Defendant shall notify any other residents that the premises may be subject to searches pursuant to this condition.
15. If residing with his mother, Defendant shall comply with a curfew of 11:00 pm to 6:00 am. The Pretrial Services Officer may adjust or eliminate the curfew.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

The defendant has failed to report to the Pretrial Services Officer as designated by the Officer. This is in violation of additional condition #5 of the Order Setting Conditions of Release issued by the Honorable Charles S. Miller Jr., United States Magistrate, on April 11, 2014.

The defendant has failed to attend substance abuse counseling with New Freedom Center, as directed by the Pretrial Services Officer. This is in violation of additional condition #11 of the Order Setting Conditions of Release issued by the Honorable Charles S. Miller Jr., United States Magistrate, on April 11, 2014.

The defendant has failed to submit to drug/alcohol screening as directed by the Pretrial Services Officer. This is in violation of additional condition #13 of the Order Setting Conditions of Release issued by the Honorable Charles S. Miller Jr., United States Magistrate, on April 11, 2014.

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PRAYING THAT THE COURT WILL ORDER: the issuance of a warrant for the arrest of Houston James Kirkaldie and hearings be held to determine if he has violated the terms and conditions of his pretrial release.

I declare under penalty of perjury that the foregoing is true and correct.

Respectfully,

/s/ Todd D. Pope

07/18/2014

U.S. Pretrial Services Officer

Place: Bismarck

ORDER OF THE COURT

Considered and ordered this 18th day of July, 2014, a warrant shall be issued and hearings be held; further, it is ordered filed and made a part of the record in the above case.



Charles S. Miller Jr.
U.S. Magistrate Judge